



## Request for Decision

Electoral Area C  
Zoning Amendment Bylaw No. 1549-  
2017

**Date of Meeting: Board/Committee of the Whole Meeting – June 28, 2018**

### **Recommendation:**

THAT the Board receive the Questions & Answers (Appendix 1) and Comments (Appendix 2) from the April 11, 2018 Public Information Meeting on Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017, for information.

THAT the Board provide direction to staff regarding Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017.

### **RELEVANT POLICIES:**

Pemberton Valley Agricultural Area Plan  
Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

### **Background:**

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017 is meant to address the agricultural zoning components contained in the proposed (now rescinded) Zoning Bylaw 1485-2017. Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 1484-2017 and Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 1485-2017 were comprehensive bylaws that were intended to replace the current Electoral Area C OCP Bylaw No. 689, 1999 and Electoral Area C Zoning Bylaw No. 765, 2002. The review of the whole Area C OCP and Zoning Bylaw and the non-agricultural areas will be addressed through a further process following the adoption of Zoning Amendment Bylaw No. 1549-2017.

A public hearing for Zoning Amendment Bylaw No. 1549-2017 has not been held. It was decided by the SLRD Board to hold a community information meeting on April 11, 2018 regarding the proposed zoning amendments and provide an opportunity for questions and answers, and public comments. The questions and answers from the meeting as well as the public comments received have been attached to this report and discussed in further detail.

### **Timeline for Bylaw 1549-2018:**

- December 13, 2017 Board meeting: Bylaw 1549-2017 was introduced as amended and read a first time.
- January 24, 2018 Board meeting: Bylaw No. 1549-2017 was read a second time and a public hearing was authorized.
- April 11, 2018 Board meeting: A public meeting was held with over 200 people in attendance



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### Key Information:

The public information meeting was held on April 11, 2018. It was well attended with around 200 people. There were three presentations, from the SLRD, the Agricultural Land Commission (ALC), and the Ministry of Agriculture followed by a question and answer period and then a comment period on the proposed bylaw. The questions and answers from the meeting are attached as Appendix 1 and the comments received at the meeting are attached as Appendix 2. Based on the comments made at the public information meeting no changes are proposed to the bylaw beyond what were already contemplated and presented on at the meeting.

The purpose of this report is to present the key input received at the public information meeting, relevant to the proposed Bylaw No. 1549-2017 and to present proposed changes to Bylaw No. 1549-2017 that had been previously developed by staff.

### Public Input:

Since the beginning of the year, the SLRD has received a fair number of letters and emails from the public on the proposed Zoning Amendment Bylaw No. 1549-2017. There are some people, including some farmers that do not support the farm residential footprint regulations, or increasing the minimum parcel size for new subdivisions from 2 ha to 20 ha. However, the majority of those people that have commented who are not in support of those regulations are not farmers, or do not have farm class under the *BC Assessment Act*, nor are they conducting any agricultural uses on their properties.

A large proportion of those letters were written based on misunderstandings regarding what was in the proposed bylaw amendments and what the current zoning regulations are in place. A number of those letters also referred to issues in the proposed bylaw that were addressed by the SLRD with staff proposed changes regarding home based businesses, bed and breakfasts, temporary farm worker housing, and accessory buildings. As described in the Discussion section later in this report, those issues have been addressed by proposed changes as presented at the April 11, 2018 public information meeting.

There were also a number of members of the public who were criticizing the Electoral Area C Agricultural Advisory Committee (AAC) regarding the current membership and representation of the farming community, as well as their recommendations on the proposed bylaws. The current AAC membership is a broad representation of the Pemberton Valley farming community - there is a wide range of farming expertise, farming operations, age and location range, new and long time farmers, as well as a few non-farmers with a strong interest in agriculture and food security.

At the public meeting there were a number of questions and comments made by the public regarding a wide variety of agricultural and non-agricultural issues. Many of the questions were asked with the intention of gaining clarity about the details of the bylaw. Very few of the comments made at the public meeting were directly related to specific regulations contained in Bylaw No. 1549-2017. Those comments that were specific to regulations contained in the bylaw are noted here:

- **Farmworker housing:** With respect to temporary farmworker housing, there was a comment regarding the need for an Agrologist's report and for a statutory declaration when applying for farmworker housing.
  - For clarity, a Professional Agrologist's report is already a requirement for second homes in the ALR, and is recommended by the ALC and the Ministry of Agriculture as a requirement for allowing temporary farmworker housing. The reason for requiring an Agrologist's report is to have a professional review the application and provide clear evidence to the SLRD and the ALC that there is an actual need for additional farmworker housing based on the present level of agriculture.
  - Provision of such a report helps the approving agencies to know that they are dealing with a legitimate application. Potentially invalid requests for farmworker housing would only lead to future abuses of the use (e.g. for other forms of additional housing or short term rental housing on the property). Essentially, the provision of an Agrologist's report helps to filter out invalid applications and the need for future bylaw enforcement.
  - The requirement for a statutory declaration is also a tool that is already in use by the SLRD. It requires a property owner to sign a declaration that the building will be used only for the intended farmworker housing and not for any other use. This declaration provides a level of protection to the SLRD in the case of a misrepresented use of the housing (i.e. for tourist accommodation). As the SLRD can supply standard forms for such a statutory declaration, there is no cost to a property owner. So for a property owner who uses their property in the manner that has been approved, there is really no downside to signing a statutory declaration.
- **Additional housing on ALR property:** There was a comment at the meeting requesting additional houses on ALR land.
  - This item is regulated by the Agricultural Land Commission Act and Regulations, and there are methods in place to apply for additional houses either for farm worker housing or for non-farm uses.
  - While housing farm workers is a vital issue, the ALR is not meant as a housing reserve, or a source of housing to address the housing crisis in the province. The primary purpose of the ALR is for agriculture.
- **Minimum parcel size:** A person spoke about the minimum parcel size and did not like that it is proposed to increase.
  - The SLRD has set the minimum parcel size in keeping with the Ministry of Agriculture and ALC recommendations, and the proposed size of 20 ha is recommended and supported by the Electoral Area C Agricultural Advisory Committee. There is ample evidence from provincial land use inventories and studies as well as anecdotal that demonstrate that 2 ha is far too small to have a viable agricultural business. The evidence clearly demonstrates that 2 ha parcels are predominantly not farmed and become a source of non-farm uses and conflict with nearby farm operations.

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- **Larger home sizes:** One person mentioned that they'd like to see larger homes.
  - The maximum house size set by Bylaw No. 1549-2017 is 350 m<sup>2</sup>, which is exactly the same size as the current AGR zone in Zoning Bylaw No. 765, 2002. This maximum dwelling size would then apply to the lands currently in the AGR<sub>PF</sub> subzone to ensure consistent regulations for all properties in the ALR. The AGR<sub>PF</sub> subzone is redundant and unnecessary. The proposed gross floor area regulation changes also allow the potential exemptions of up to 90 m<sup>2</sup> for a basement and up to 60 m<sup>2</sup> for a garage. That means a total potential dwelling size of 410 to 500 m<sup>2</sup>, which is larger than most existing homes in the AGR zone or the AGR<sub>PF</sub> subzone. It is a house size that is larger than most homes in Whistler. Based on ALC and Ministry of Agriculture best practices (an absolute maximum of 500 m<sup>2</sup> gross floor area), it is felt that the maximum house size being proposed is more than sufficient. If a property owner has a compelling need to build a larger house than is allowed, there is a zoning amendment process that can be pursued.

### Discussion:

Based on public input since the Board meeting in January 2018, and prior to the public information meeting on April 11, 2018, the proposed Zoning Amendment Bylaw No. 1549-2017 was revised. The following changes were proposed (and presented at the public information meeting):

- Added a new Agricultural Bed and Breakfast use to the AGR1 zone. There is a definition and regulations regarding Agricultural Bed and Breakfasts separate from the existing Bed and Breakfast use, definition, and regulations that apply to the non-agriculture zone areas.
  - This use would allow a maximum of 4 bedrooms and 8 guests, which is an increase beyond the existing B&B regulations that allow 3 bedrooms and 6 guests.
- Added a new Agricultural Home Based Business use to the AGR1 zone. There is a definition and regulations regarding Agricultural Home Based Business separate from the existing Home Based Business use, definition, and regulations that apply to the non-agriculture zone areas (which remain unchanged).
  - The originally proposed Home Office and Home Craft uses, definitions and regulations have been removed as they are replaced by the Agricultural Home Based Business.
  - This use combines language and provisions from the existing Home Based Business and the originally proposed Home Office/Home Craft. It is a much broader definition of home based business activities.
  - The Agricultural Home Based Business definition does not refer to specific activities other than home office, and only references key exclusions for clarity and alignment with ALR regulations.
  - The regulations also include an increase in the number of permitted non-family employees from 1 to 2. This is an increase of 1 compared to the existing Home Based Business regulations.

- The regulations maintain the key existing regulations (as they are currently in the Home Based Business use in Zoning Bylaw No. 765, 2002) that are required by the ALR regulations including:
  - A maximum gross floor area of 100 m<sup>2</sup> for the Agricultural Home Based Business.
  - All activities associated with the *agricultural home based business use* shall be entirely conducted within a completely enclosed building.
  - There shall be no outdoor storage of materials, equipment, containers or finished products.
- Adding the possibility for temporary farm worker housing (through an application process) on parcels less than 4 ha. SLRD staff reviewed the proposed regulations, and considered comments from the farming community and the current housing crisis in the region. In consultation with the Ministry of Agriculture, staff are proposing to allow the possibility of temporary farm worker housing on parcels less than 4 ha.
  - The same application process would be required regardless of parcel size to prove the agricultural need for farm worker housing. There would be a maximum gross floor area of 100 m<sup>2</sup> for farm worker housing on parcels less than 4 ha.
- In Table 3.3.1 Accessory Buildings – the provision regarding parcels greater than 4 ha having a maximum gross floor area of 350 m<sup>2</sup> for accessory buildings (that is in the existing Zoning Bylaw No. 765, 2002) is added back in to the proposed amendment bylaw.
- Updates to the parking regulations to address the minimum required off-street parking spaces for home based business use (1) and agricultural home based business use (2) as per the number of permitted non-family employees. The minimum number of parking spaces required for temporary farm worker housing has been adjusted from 1 per 60 m<sup>2</sup> of gross floor area to 1 per 40 m<sup>2</sup> of gross floor area.

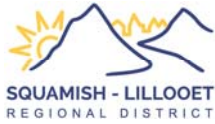
It should be noted that the Area C AAC passed the following motion at their March 14, 2018 meeting:

## MOTION 2

THAT it be recommended to the SLRD Board:

THAT the revised Zoning Amendment Bylaw No. 1549-2017 be referred back to the AAC for comment following its consideration by the SLRD Board and the conclusion of the April 11, 2018 public information meeting.

**Regional Considerations:** The proposed bylaw would establish updated agricultural zoning in Electoral Area C, and rezone all the existing properties that are currently in the AGR zone or AGR<sub>PF</sub> subzone to the new AGR1 zone, as well as rezone those properties *in the ALR* between Birken and D'Arcy, and those in the Blackwater Road area. Those parcels have not been properly zoned in the past and with all the changes to the ALR regulations, it is necessary to ensure that all ALR land within Area C is properly zoned for agriculture and complies with the *ALCA* and Regulation.



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### Attachments:

Appendix 1: Questions & Answers – Public Information Meeting – April 11, 2018

Appendix 2: Public Comments – Public Information Meeting – April 11, 2018

**Submitted by:** I. Holl, Senior Planner

**Reviewed by:** K. Needham, Director of Planning & Development Services

**Approved by:** L. Flynn, Chief Administrative Officer

**APPENDIX 1**

**AREA C ZONING  
PUBLIC INFORMATION MEETING – Q & A  
PEMBERTON COMMUNITY CENTRE - WEDNESDAY APRIL 11, 2018**

1. Why is the SLRD giving misleading information if their website states you can hold 12 events on ALR land but you are saying that you can only hold 10 events?

*A There was a previous reference to 12 events related to “agritourism activities” held on properties in the ALR that have farm class under the BC Assessment Act. This is to be considered as a separate use from the 10 “gathering for event” uses that may be held on properties in the ALR that have farm class. It should be noted that the 12 agritourism activities provision has now been removed from the proposed Zoning Amendment Bylaw No. 1549-2017.*

2. What is the minimum size of land that is exempt from the proposed bylaw for home-based businesses?

*A The proposed home-base business regulations apply to parcels of all sizes. This is how the current regulations work. In other words, the existing and proposed home based business regulations apply to parcels of all sizes.*

3. What is the minimum parcel size allowed by the ALC for subdivision? How does changing the minimum parcel size affect ALR land? Why will the ALC/SLRD not allow smaller parcels?

*A Smaller parcels are often underutilized therefore there is less farming. This has been confirmed to the SLRD by many small parcel owners in the ALR who say that they are challenged to farm their properties. In addition, farmers who are farming on a smaller parcel will often find themselves wanting a larger parcel in the future in order to expand their farming operations and there may not be any land available at a price that farmers can afford. It is very expensive for small farmers to try to consolidate other parcels into a larger parcel. One reason for this is that smaller parcels are also much more vulnerable to speculation and non-farm uses. Agriculture land values cannot compete with residential and commercial land values.*

*A The ALC recommends that local governments set the highest possible minimum parcel size for lands in the ALR. Both ALC and SLRD policies are not supportive of subdivision in the ALR. Currently the minimum parcel size is set at 2 ha. The proposed bylaw 1549-2017 would increase the minimum parcel size to 20 ha, based on input from the SLRD’s Agricultural Advisory Committee. It has been proven that smaller parcels in the ALR do not have the same level of agricultural output per acre as larger parcels.*

4. Is it possible to change the taxation regulations to make it easier for farmers?

*A It is possible to use taxation to support farmers and farmland, however, the Province controls taxation, not the SLRD.*

5. How can the ALR have two zones when other areas have only one?  
Why eliminate the Pemberton Fringe zone?

*A The ALR is split into Zone 1 and Zone 2. These have very little to do with local government zoning regulations. The ALC and the Ministry of Agriculture recommend that local governments regulate all lands in the ALR in the same way. There is little rationale to have more than one agricultural zone in a given Electoral Area. The current Electoral Area C zoning bylaw has only one agricultural zone, although it has a “sub-zone” with regulations that are all now redundant.*

6. How can the SLRD provide support to new farmers?

*A The SLRD can support new farmers with strong regulations that protect agricultural land for agricultural purposes. The SLRD can connect them with contacts at the provincial level for the ALC and the Ministry of Agriculture. Unfortunately the SLRD has no ability to offer financial incentives to farmers.*

7. How can the Birken area provide more feedback when zoning regulations are changing?

*A The proposed Zoning Amendment Bylaw No. 1549-2017 does not change any non-agricultural zoning. The SLRD will continue to engage with the Birken residents in the future as part of the overall Area C Official Community Plan Bylaw and Zoning Bylaw review. If anyone has any specific questions or feedback they can call the SLRD planning department or email [Planning@slrd.bc.ca](mailto:Planning@slrd.bc.ca).*

8. Will there be grandfathering with these new changes in zoning?

*A Grandfathering provisions only apply to existing uses and structures that were legally established according to the regulations that applied at that time. If a legally established use stops operation for six months or more, it loses that grandfathering status, if the zoning regulations have changed. New zoning will not affect the existing structures on properties and businesses as long as those existing structures and businesses were compliant with the ALR regulations and SLRD zoning and building bylaws to begin with.*

9. How are non-farm uses assessed for approval?

*A They are reviewed by the local government as part of the ALC’s non-farm use application process. A local government can deny an application and not forward it on to the ALC. A local government can also choose to support or not support an application and forward the application to ALC for their decision.*

10. What Board makes the decisions for Development Variance Permits?

*A The SLRD Board makes these decisions.*

11. Does one complaint generate enforcement?

*A The ALC will review each complaint and enforce if necessary. The SLRD will review each complaint and enforce if necessary.*



12. Why are complaints/complainants allowed to be anonymous?

*A Complaints are confidential not anonymous. This is to protect complainants, as some people are afraid to complain if their names are not kept confidential. Each complaint is reviewed to ensure that it is genuine, and to determine what offences have occurred, and what bylaws have been infringed.*

13. Are Bed and Breakfasts allowed in the ALR?

*A The ALC allows local governments to determine if bed and breakfasts are allowed. The ALC also has rules around how a bed and breakfast can be operated. The SLRD has allowed bed and breakfasts, subject to conditions.*

14. How do these changes affect the non-ALR parcels?

*A Non-ALR parcels will generally not be affected by Zoning Amendment Bylaw 1549-2017. The rest of Area C will be considered as part of a future process to review the Area C Official Community Plan Bylaw and Zoning Bylaw and address non-agricultural zoning issues.*

15. Would the ALC increase the small business size?

*A The ALC maintains that 100 m<sup>2</sup> is the maximum gross floor area for home based businesses. A larger size would trigger a non-farm use application. The local government has the authority to be more restrictive in terms of size than the ALR regulation. Many local governments only allow less than 100 m<sup>2</sup> for home based businesses in the agriculture zone. The SLRD has consistently maintained the maximum of 100 m<sup>2</sup> and will continue to allow that. Any larger would violate the intent of the SLRD home based business regulations, violate provincial ALR regulations, and allow the possibility of non-farm commercial operations taking over farmland. Large commercial and industrial uses do not belong on agricultural land.*

16. What are the parking regulations for Bed and Breakfasts?

*A One off-street parking space for each bedroom being utilized. The existing B&B regulations allow a maximum of 3 bedrooms so that would be 3 parking spaces required. The proposed Agricultural Bed and Breakfast use would allow 4 bedrooms so that would be 4 parking spaces required.*

17. What does a Change of Use permit entail?

*A A change of use permit is issued by the Building Department. It can involve re-designating a use from one use (e.g. residential) to another use (e.g. bed and breakfast). The building inspector will look at whether there is an existing building permit for the dwelling, what building code requirements need to be in place to enable the change of use, smoke detectors, fire exits, signage, etc.*

18. Can you delete the word “agriculture” from the new definition of home-based businesses on ALR land as it implies that it has to be related to agriculture?

*A The ‘agricultural’ is cosmetic only and does not affect or restrict the home based business use. It is necessary to distinguish it from existing home-based business regulations that apply to non-ALR land. The proposed definition of Agricultural Home Based Business is far broader than the existing definition of Home Based Business and clearly is not restricted to agricultural activities.*

19. How are Fringe owners consulted?

*A The Pemberton Valley Agricultural Area Plan had extensive stakeholder engagement with the community involving numerous open houses, public meetings, and Area C AAC and SLRD Board review. There have been numerous reports to the SLRD Board in 2015, 2016 and 2017 on the Pemberton Valley Agricultural Area Plan and the Area C OCP and Zoning Review, all of which have been on public agendas, published on the SLRD website. The SLRD held two open houses in 2017 that were advertised on the SLRD website, social media, and the Pique. The public hearing in 2017 for the proposed Area C OCP Bylaw No. 1484-2017 and Zoning Bylaw No. 1485-2017 were advertised on SLRD website, social media, and the Pique. This public meeting was advertised on SLRD website, social media, and the Pique and notification provided through an extensive email list.*

20. What uses are allowed on ALR land without farm status? With farm status?

*A Without farm status - Agricultural uses are permitted regardless of farm status. Home-based business, bed and breakfast are permitted in accordance with SLRD zoning regulations.*

*A With farm status - Agricultural uses are permitted regardless of farm status. Home-based business, and bed and breakfast, are permitted in accordance with SLRD zoning regulations. Farm status allows a property to conduct agritourism activities and the new gathering for an event uses in accordance with ALR regulations with SLRD zoning regulations being updated to align with those new and revised uses.*

21. Is there room for other non-farm uses?

*A Non-farm use applications are reviewed on a case by case basis. The ALC and the SLRD generally do not support non-farm uses in the ALR as it takes land out of actual and/or potential agricultural production and generates conflict between farm and non-farm uses. It also contributes to a valuation of agricultural land for non-farm purposes instead of agricultural purposes. The highest and best use of agricultural land is for agricultural uses, not non-farm uses.*

22. What is the structure and qualifications of the Agricultural Advisory Commission (AAC)? Are they land owners? What is their experience?

*A Members of the AAC are appointed by the SLRD Board. There is a terms of reference for the AAC which can be found on the SLRD website. AAC members are predominantly from the farming or ranching community, and own or reside on farms. Several members have professional experience or knowledge that will contribute to the committee.*

23. Can you define home-based business on ALR land?

A *There is the existing definition of 'home based business' in Electoral Area C Zoning Bylaw No. 765, 2002, and the proposed definition of 'agricultural home based business' in Zoning Amendment Bylaw No. 1549-2017.*

**Home Based Business** (existing definition – Zoning Bylaw No. 765, 2002)

“an auxiliary use of a parcel in conjunction with a dwelling for business purposes such as home offices; studios; woodworking; upholstering and other home workshops; *personal services* except dry cleaners and laundromats.”

**Agricultural Home Based Business** (proposed definition – Amendment Bylaw No. 1549-2017)

“a use that is *accessory* to the residential use of a property where a resident carries on a profession or occupation that is clearly incidental to the residential or agricultural use of the land. The *agricultural home based business use* is a limited and small scale *craft* carried on for remuneration, and may include a home office. *Agricultural home based business* may include limited sales in an associated retail and/or gallery space of up to 10 m<sup>2</sup>, only of *agricultural home based business* products produced from the parcel where the *agricultural home based business use* is located. *Agricultural home based business* does not include *industrial uses*, commercial production and/or retail of marijuana or cannabinoids, any kind of food or drink service establishment, or vehicle or equipment repair.”

**Craft** (in the context of Agricultural Home Based Business) means an occupation or trade requiring manual dexterity or artistic skill.

24. What steps can be taken to encourage farming?

A *The SLRD is implementing the Pemberton Valley Agricultural Area Plan which includes numerous actions to encourage farming and supporting farmers and farmland. The SLRD is currently focused on policy and regulatory updates to ensure strong regulations are in place to protect agricultural land and align with current provincial ALR regulations. There are other actions in the plan that the Pemberton Farmers Institute has been undertaking. Support from the province would be necessary to address financial incentives and taxation issues.*

25. How can one keep farmland affordable?

A *By increasing the minimum parcel size for new subdivisions, maintaining a maximum dwelling size of less than 500 m<sup>2</sup> (350 m<sup>2</sup> plus potential exemptions up to 150 m<sup>2</sup>) establishing the farm residential footprint regulations, and restricting non-farm uses on ALR land, local governments can mitigate some of the effects of land speculation. Provincial support is required from the ALC, Ministry of Agriculture, and other ministries to address land use, agriculture land and farmer support, and various financial incentives for investing in agriculture, and limiting non-farm use of farm land.*

26. Can unapproved, non-farm uses continue if no one complains?

*A ALC Compliance and Enforcement and SLRD Bylaw Enforcement both operate primarily on a complaint basis, however, nothing prevents either organization from pursuing enforcement actions when they become aware of regulatory infractions. A property with an existing unapproved or illegal use should consider submitting a non-farm use application and a rezoning application (and building permits) as that is the opportunity and process available to legitimize a land use and/or building. Anyone who operates in violation of regulations is at risk of future enforcement.*

27. Does the SLRD know how many properties are or are not in compliance of the home farm plate?

*A The SLRD conducted an analysis of farm residential footprints using orthophoto and other spatial data in its GIS (Geographic Information System) to determine the setbacks of all houses from the front property line. The majority of existing houses meet with the proposed 75 m setback. It is important to note that the proposed farm home plate will not impact existing properties, only new construction.*

28. Why are dog kennels not a permitted use on ALR land?

*A While the ALR regulations allow dog kennels without an application to the ALC, the ALR regulations allow local governments to regulate and prohibit that use as they see fit. Dog kennels are not a farm use, and they tend to attract a variety of complaints, particularly around noise and disturbance of farm animals. For these reasons, the SLRD has not allowed kennels as a permitted use in any of its agricultural zoning. A rezoning application would be required to consider that use on a case by case basis.*

29. If farmers are growing grain and hops for their distillery and sell their products at retail prices on their land, why can't farmers be allowed to grow pot and sell it at retail prices on their property?

*A Growing and selling pot to the public is currently under Federal jurisdiction and is still illegal. It is unknown how the ALR will be affected.*

30. Why are home-based businesses not allowed to have storage on ALR land?

*A Home based businesses are allowed internal storage on ALR land. The existing SLRD zoning regulations, in alignment with provincial ALR regulations, do not currently allow for any external or outside storage related to the home based business. Therefore, currently any storage for home-based businesses must be stored inside. The proposed agricultural home based business regulations maintain that existing regulation. The existing and proposed home based business regulations are intended to allow small scale operations within dwellings and accessory buildings up to a maximum of 100 m<sup>2</sup> as larger operations, and/or outdoor storage and activities are considered non-farm commercial uses. It is vital to restrict the potential for non-farm commercialization of farmland.*

31. Why are Pemberton Breweries only allowed four events?

A *Under the changes proposed under Bylaw 1549-2017, properties containing breweries, cideries etc. would be limited to four special events outside normal operating hours. For these operations in the ALR and with farm status would be allowed to have 10 “gatherings for event” separate from events in the brewery. The ALR regulations allow a separate number of events within a brewery (not limited to the 10 gathering for an events) and the SLRD is looking to only restrict those events occurring outside normal operating hours. A brewery, cidery, etc. would still be allowed to have an unlimited number of events during regular operating hours. The Area C Noise Bylaw was adopted to ensure limits on non-farm use noise and its negative effects on farmers. These uses are in active farming areas, and are often surrounded by operating farms, so it is important to strike a balance that will allow breweries to operate while also recognizing that farmers need peace and quiet so that they may run their farm businesses.*

32. If you sell your property, what happens to the grand-fathered business that is in place?

A *If a use is legally conforming to a bylaw (often referred to as “grand-fathered”), it can continue to operate if a new bylaw changes the zoning to make it non-conforming. To maintain “legally non-conforming” status, the business must not discontinue operations for more than 6 months. More details about non-conformance issues are set out in sections 529-532 of the Local Government Act. [http://www.bclaws.ca/civix/document/id/lc/statreg/r15001\\_14](http://www.bclaws.ca/civix/document/id/lc/statreg/r15001_14)*

33. Why is temporary housing for farm workers not allowed on small farms?

A *As stated in the SLRD presentation, the existing Agriculture zone in Area C Zoning Bylaw No. 765, 2002 does not allow any temporary farm worker housing. The proposed Zoning Amendment Bylaw No. 1549-2017 does allow the potential for temporary farm worker housing on properties of all sizes through an application process. As a local government, the SLRD is required by law to not allow any additional housing in the ALR unless it has been proven necessary for farm worker housing.*

34. Why were letters not sent out to all residents informing them of these changes?

A *The SLRD is governed by the Local Government Act. Section 466 outlines public notification requirements for public hearings. When more than 10 parcels are involved, owned by more than 10 owners, no mailouts are required. The SLRD has followed all official requirements for notification of its public hearings. Sending individual letters to all property owners in Electoral Area C (several thousand) would be both costly and time consuming. Instead, the SLRD relies on public notices and newspaper notices. The SLRD does not have the emails of all Electoral Area C residents, but endeavours to use the email lists that it does have to reach out to residents. The SLRD is hoping to utilize more modern tools for public engagement in the future (budgets permitting).*

**APPENDIX 2**

**AREA C ZONING  
PUBLIC INFORMATION MEETING – COMMENTS  
PEMBERTON COMMUNITY CENTRE - WEDNESDAY APRIL 11, 2018**

M. Van Loon thanked the SLRD for a very informative meeting. He spoke about how we need to protect the farmland in the area.

M. Effa spoke about smaller farms in the Pemberton area having less rights than in Richmond and Delta. He feels that it should be illegal to own agricultural land in the ALR and not farm it, as it is in Switzerland. He wanted to know why small farms are not allowed to have temporary housing for farm workers and was told that that temporary farm worker housing will be allowed on all farms through an application process.

T. Sturdy spoke about her disappointment that the SLRD required an Agrologist report and a Statutory Declaration if one wanted to provide farm-worker housing.

A person spoke about people that run home-based businesses on ALR land require more housing for their staff and would like to see more residences allowed on their ALR property.

J. Naylor spoke about needing more support for farming. She mentioned that in the past, farmers were given loans and subsidies to help them out. These subsidies seem to have gone away and she would like to see them offered again.

D. Coggins mentioned the survey available on the ALC's website that takes feedback and suggestions on farming issues. He encouraged everyone to go online and fill out the survey.

A person spoke about her disapproval of the increase to the minimum parcel size allowance.

S. Flynn thanked the SLRD for their hard work with these changes and that it was a very helpful presentation. He also spoke about how he was disturbed by the tone and negative gossip going around the community against SLRD staff. He suggested that the community can do better than that.

A person spoke about management of small businesses on ALR land. They felt there was a lack of education about this and that they needed more input.

D. Coggins wanted to know who is responsible for making these changes. He felt that the SLRD was too stringent and that the decisions should be made by the ALC only and not the SLRD. He spoke about the budget provided to the SLRD for ALR management. It was a waste of taxpayer's money to have two governing bodies over ALR lands and that the Province should mandate the rules.

E. Keenan talked about the Birken area and the similarities with the ALR areas in Pemberton. She stated that the Birken community had held a meeting at which they had gathered 27 residents to discuss the Birken area in anticipation of future bylaw changes. She supports the small businesses in her area. They need more income and have to hold down two or three jobs to make a living. She would like to see more small businesses in the area. They should be able to make a living as they see fit. She also spoke about more notice being sent to the Birken residents about meetings in order to gain more feedback with their concerns. She hopes that Pemberton farmers will show support for the Birken residents when it comes time for the SLRD to address the concerns their area.

T. Sturdy asked what is the new timeline on this bylaw amendment, and the status of the bylaw.

Pemberton Mayor M. Richman spoke about the three acres of ALR land that his family owns in Pemberton. He understands the pride that everyone is feeling. There is a need to recognize the wide-range of opinions. It is a difficult to craft bylaws that satisfy everyone. The area is very diverse. He doesn't want to see small businesses stop but to try and find a balance that fits with the ALC requirements while still trying to make everyone happy. He noted that the SLRD is happy to receive comments and take them to the Board for consideration. When asked what the time-frame will be, he responded that it will take as long as it takes to get this right.

A person asked if the SLRD would consider a community advisory committee to work through the bylaw.

B. James made comments about the bylaw (inaudible).

J. Kennett thanked the SLRD for slowing the process down and having this informational meeting in order to get more feedback.

A person stated that the SLRD should facilitate more ways to communicate with the residents. In these days of social media, the SLRD needs a more modern framework for feedback.

One person stated that owners should be able to build larger homes and farm the rest of the land or lease it out to others that would like to farm.

S. Robinson talked about how farming is tough business. The farming season is so short which makes it hard to make a living. His concern is for the younger generation. Out of all of his younger family members, there is only one that would be interested in carrying on his farming business. There is need to encourage younger farmers. He spoke about the issue of subdividing parcels in the ALR.